

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>ATK LAUNCH SYSTEMS, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL ACTION NO. 09-0085-CG-B</b>
	)	
<b>CSX TRANSPORTATION, INC., and</b>	)	
<b>MERIDIAN &amp; BIGBEE RAILROAD,</b>	)	
<b>L.L.C.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

This matter is before the court on the plaintiff's motion for voluntary dismissal without prejudice (Doc. 27), in which plaintiff advises that complete diversity of jurisdiction does not exist between plaintiff and all defendants.

Upon due consideration and pursuant to 41(a)(2) of the Federal Rules of Civil Procedure, the motion is **GRANTED**. It is **ORDERED** that the plaintiff's claims against CSX Transportation, Inc., and Meridian & Bigbee Railroad, L.L.C. are hereby **DISMISSED WITHOUT PREJUDICE**. Each party shall bear its own costs.

**DONE and ORDERED** this 9<sup>th</sup> day of March, 2009.

/s/ Callie V. S. Granade  
CHIEF UNITED STATES DISTRICT JUDGE